

HOUSE BILL NO. 482

INTRODUCED BY HOWARD, INGRAHAM, MCGILLVRAY, MENDENHALL, ARNTZEN, TAYLOR, BONIEK,
WASHBURN, RANDALL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT LIVESTOCK OWNERS BE PROTECTED BY
THE STATE FROM ECONOMIC LOSS FOR BRUCELLOSIS-RELATED COSTS FOR ANIMALS THAT HAVE
BEEN DETERMINED TO BE AFFLICTED WITH BRUCELLOSIS AND THAT ARE DESTROYED AS A
SANITARY SAFEGUARD; CREATING A LIVESTOCK INDEMNITY ACCOUNT; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Payment of brucellosis-related costs -- claims.** (1) In addition to
payment for losses of animals under 81-2-201 and for loss of personal property under 81-2-202, when animals
are determined by the department or by the United States department of agriculture to be afflicted with brucellosis
and are destroyed as a sanitary safeguard, the owner of the animals must be paid for other brucellosis-related
costs incurred by the owner that are not paid by the federal government. Brucellosis-related costs include:

(a) animal inspections, testing, and transportation required by state or federal regulations; AND
(b) costs related to the required destruction of animals, such as equipment costs, labor costs, ~~and~~
~~production downtime; and~~
~~—— (c) other brucellosis-related costs that the owner certifies have directly affected the owner's livestock~~
~~operations~~ AND FEED COSTS.

(2) Brucellosis-related costs owed under this section must be paid entirely by the state, and the county
has no liability for payment of brucellosis-related costs.

(3) A claim for brucellosis-related costs must be made on forms provided by the department. The claim
must contain an affidavit by the owner of the animals or the owner's agent with knowledge of the
brucellosis-related costs certifying to the ownership of the animals and that the animals have been destroyed for
brucellosis control under the law and the rules of the department. The claim must be accompanied by a certificate
from the department that the animals were ordered destroyed. The claim must also be accompanied by an
accounting verifying all brucellosis-related costs.

(4) A claim against the state arising under this section, if found correct, must be processed and paid from funds of the department IN THE ACCOUNT CREATED IN [SECTION 2].

NEW SECTION. SECTION 2. LIVESTOCK INDEMNITY ACCOUNT -- USE OF ACCOUNT. (1) THERE IS A LIVESTOCK INDEMNITY SPECIAL REVENUE ACCOUNT ADMINISTERED BY THE DEPARTMENT IN THE STATE SPECIAL REVENUE FUND ESTABLISHED IN 17-2-102.

(2) (A) ALL STATE PROCEEDS ALLOCATED OR BUDGETED FOR THE PURPOSES OF THIS PART MUST BE DEPOSITED IN THE STATE SPECIAL REVENUE ACCOUNT PROVIDED FOR IN SUBSECTION (1).

(B) MONEY RECEIVED BY THE DEPARTMENT IN THE FORM OF GIFTS, GRANTS, REIMBURSEMENTS, OR ALLOCATIONS FROM ANY SOURCE INTENDED TO BE USED FOR THE PURPOSES OF THIS PART MUST BE DEPOSITED IN THE ACCOUNT PROVIDED FOR IN SUBSECTION (1).

(3) THE DEPARTMENT MAY SPEND FUNDS IN THE LIVESTOCK INDEMNITY ACCOUNT ONLY TO CARRY OUT THE PROVISIONS OF THIS PART.

NEW SECTION. Section 3. Codification instruction. ~~[Section 1]~~ is [SECTIONS 1 AND 2] ~~ARE~~ intended to be codified as an integral part of Title 81, chapter 2, part 2, and the provisions of Title 81, chapter 2, part 2, apply to ~~[section 1]~~ [SECTIONS 1 AND 2].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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